

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
ANDERSON DIVISION

United States of America,)	C/A No.: 8:08-3358-GRA
)	
Plaintiff,)	ORDER
)	(Written Opinion)
v.)	
)	
\$10,795 in United States Currency,)	
)	
Defendant.)	
_____)	

This matter is before the Court on the government's motion to dismiss [Docket Entry 37] and Claimant Scott Nelson Sayce's petition for attorney fees, other litigation costs, and interest pursuant to 28 U.S.C. § 2465 [Docket Entry 40]. The Claimant does not oppose the motion to dismiss but requests that the Court grant the petition for attorneys fees. The government concedes that, upon dismissal of this action, Claimant will have substantially prevailed, entitling him to the relief provided by 28 U.S.C. § 2465 sought in the petition. The government does not dispute the accuracy or reasonableness of the items set forth in the petition for which reimbursement is sought.

In accordance with 28 U.S.C. § 2465(a)(1), the Court is informed that the Claimant's property has already been returned to his attorney. Notwithstanding the dismissal of this action with prejudice and the return of the property, the Court certifies that there was reasonable cause for the seizure and arrest for purposes of 28 U.S.C. § 2465(a)(2). The Court further finds that Claimant has substantially prevailed,

that the government is liable for those attorney fees, other litigation costs, and interest set forth in 28 U.S.C. § 2465(b), and that the amounts claimed in Claimant's petition are reasonable.

Having considered the parties' submissions, the Court hereby GRANTS the motion to dismiss and further GRANTS the petition for attorney fees, other litigation costs, and interest pursuant to 28 U.S.C. § 2465.

Accordingly, this action is hereby DISMISSED WITH PREJUDICE and the court hereby ORDERS the government to pay \$7,297.50 in attorney fees, \$44.04 in other litigation costs, \$108.12 in interest the government actually earned on the seized assets, and any post-judgment interest.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read "G. Ross Anderson, Jr.", written over a horizontal line.

G. Ross Anderson, Jr.
Senior United States District Judge

August 12, 2009
Anderson, South Carolina